



Zoning Text Amendment (ZTA) No. 15-03, Uses and Use Standards - Licensing



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Completed: 02/26/15

Description

Zoning Text Amendment (ZTA) No. 15-03 would clarify the legal status of land uses and services that are required to have a license. Specifically, when a use requires a license from the State or County to operate or when a service provider is required to have a license, the use is allowed only when the license is in effect.

Summary

Staff recommends approval of ZTA No. 15-03 as introduced. The ZTA clarifies that those land uses for which a license is required must have an approved license in order to be considered a legal use.

Background/Analysis

The County Executive requested a Bill (proposed Bill No. 9-15) and ZTA to help enforcement actions against human trafficking in the County. The proposed Bill would require any "bodyworks" establishment to be licensed. "Bodyworks" establishments provide such services as reflexology, acupuncture, and other practices that fall outside the definition of massage. These establishments are sometimes venues for human trafficking.

Under ZTA No. 15-03, those land uses for which a license is required must have an approved license in order to be considered a legal use. Illegal land uses are subject to an immediate "cease and desist" order. The ZTA will clarify that an illegal business is not permitted and therefore allow speedy enforcement actions against such businesses.

Attachments

1. ZTA No. 15-03 as introduced

ATTACHMENT 1

Zoning Text Amendment No.: 15-03
Concerning: Uses and Use Standards -
Licensing
Draft No. & Date: 1 – 2/5/14
Introduced: February 10, 2015
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: The District Council at the request of the County Executive

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- require all land uses to be licensed where the service provider is required to have a license, and
- generally amend use and use standards.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-3.1. “Use Table”
Section 59-3.1.2. “Use Classifications”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment or by ZTA 14-09.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment or text added by this amendment in addition to ZTA 14-09.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment or indicates a change from ZTA 14-09.
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. DIVISION 59-3.1 is amended as follows:**

2 **DIVISION 59-3.1. Use Table**

3 * * *

4 **Section 3.1.2. Use Classifications**

5 * * *

6 **F. Use Requiring a License**

7 When a use requires a license from the State or County to operate or when a
8 service provider is required to have a license, the use is allowed only when the
9 license is in effect.

10 * * *

11 **Sec. 2. Effective date.** This ordinance becomes effective 20 days after
12 approval.

13
14 This is a correct copy of Council action.

15
16 _____

17 Linda M. Lauer, Clerk of the Council